

**PENDING CLAIMS**

**Clean Versions of Pending Claims under 37 C.F.R. 1.121(c)(3)**

1. An isolated nucleic acid molecule comprising:
  - (a) the nucleotide sequence as set forth in SEQ ID NO: 4;
  - (b) the nucleotide sequence of the DNA insert in ATCC Deposit No. PTA-976;
  - (c) a nucleotide sequence encoding the polypeptide as set forth in SEQ ID NO: 5;
  - (d) a nucleotide sequence which hybridizes under at least moderately conditions to the complement of the nucleotide sequence of any of (a) - (c); or
  - (e) a nucleotide sequence complementary to the nucleotide sequence of any of (a) - (c).
2. An isolated nucleic acid molecule comprising:
  - (a) a nucleotide sequence encoding a polypeptide which is at least about 70 percent identical to the polypeptide as set forth in SEQ ID NO: 5, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
  - (b) a nucleotide sequence encoding an allelic variant of the nucleotide sequence as set forth in SEQ ID NO: 4, the nucleotide sequence of the DNA insert in ATCC Deposit No. PTA-976, or the nucleotide sequence of (a);
  - (c) a region of the nucleotide sequence of SEQ ID NO: 4, the DNA insert in ATCC Deposit No. PTA-976, or the nucleotide sequence of (a) or (b) encoding a polypeptide fragment of at least about 25 amino acid residues, wherein the polypeptide fragment has an activity of the encoded polypeptide as set forth in SEQ ID NO: 5, or is antigenic;
  - (d) a region of the nucleotide sequence of SEQ ID NO: 4, the nucleotide sequence of the DNA insert in ATCC Deposit No. PTA-976, or the nucleotide sequence of any of (a) - (c) comprising a fragment of at least about 16 nucleotides;
  - (e) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of the nucleotide sequence of any of (a) - (d); or
  - (f) a nucleotide sequence complementary to the nucleotide sequence of any of (a) - (d).
3. An isolated nucleic acid molecule comprising:

- (a) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one conservative amino acid substitution, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (b) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one amino acid insertion, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (c) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one amino acid deletion, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (d) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 which has a C- and/or N- terminal truncation, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (e) a nucleotide sequence encoding a polypeptide as set forth in SEQ ID NO: 5 with at least one modification that is a conservative amino acid substitution, an amino acid insertion, an amino acid deletion, C-terminal truncation, or N-terminal truncation, wherein the encoded polypeptide has an activity of the polypeptide set forth in SEQ ID NO: 5;
- (f) a nucleotide sequence of any of (a) - (e) comprising a fragment of at least about 16 nucleotides;
- (g) a nucleotide sequence which hybridizes under at least moderately stringent conditions to the complement of the nucleotide sequence of any of (a) - (f); and
- (h) a nucleotide sequence complementary to the nucleotide sequence of any of (a) - (e).

4. A vector comprising the nucleic acid molecule of any of Claims 1, 2, or 3.
5. A host cell comprising the vector of Claim 4.
6. The host cell of Claim 5 that is a eukaryotic cell.
7. The host cell of Claim 5 that is a prokaryotic cell.

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8. A process of producing an IFN-L polypeptide comprising culturing the host cell of Claim 5 under suitable conditions to express the polypeptide, and optionally isolating the polypeptide from the culture.

10. The process of Claim 8, wherein the nucleic acid molecule comprises promoter DNA other than the promoter DNA for the native IFN-L polypeptide operatively linked to the DNA encoding the IFN-L polypeptide.

11. The isolated nucleic acid molecule according to Claim 2, wherein the percent identity is determined using a computer program selected from the group consisting of GAP, BLASTN, FASTA, BLASTA, BLASTX, BestFit, and the Smith-Waterman algorithm.

43. A composition comprising a nucleic acid molecule of any of Claims 1, 2, or 3 and a pharmaceutically acceptable formulation agent.

44. The composition of Claim 43, wherein said nucleic acid molecule is contained in a viral vector.

45. A viral vector comprising a nucleic acid molecule of any of Claims 1, 2, or 3.

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